

FINAL BILL REPORT

HB 1789

C 399 L 09
Synopsis as Enacted

Brief Description: Allowing the department of corrections to approve jail certifications from a correctional agency in the calculation of release dates for offenders.) (REVISED FOR PASSED LEGISLATURE: Allowing the department of corrections to approve jail certifications from correctional agencies in the calculation of release dates for offenders.

Sponsors: Representatives Dammeier, O'Brien, Dickerson, Hurst, Klippert, Morrell, Orwall, Green, Walsh and Darneille; by request of Department of Corrections.

House Committee on Human Services
Senate Committee on Human Services & Corrections

Background:

For defendants who have entered a plea of guilty to or been found guilty of an offense, the trial court must enter an order on judgment and sentence. A judgment and sentence issued from superior court identifies the offenses for which the defendant is being sentenced, states the length of the sentence, identifies conditions of community custody or supervision, and contains the defendant's fingerprints, as well as other information. The trial court must give the defendant credit for all presentence time served in confinement if that confinement was solely in regard to the offense for which the defendant is being sentenced.

Earned release time, also widely known as "good time," refers to an amount of time for which an offender receives credit based upon different factors, including the nature of the offense for which he or she is serving time and the offender's behavior. The amount of earned release time allowed varies from facility to facility, but it may range from 10 to 50 percent. While an offender is serving time in a county jail facility pending sentencing, he or she may earn early release time for that time spent in custody prior to being transferred to the Department of Corrections (DOC). Although some sentencing courts include earned release time in the judgment and sentence, the court does not have the statutory authority to grant earned release time to an offender. Only a facility in which a defendant is held has the authority to certify earned early release time.

Upon receipt of a certification of earned release time from a jail facility, the DOC is not obligated to review the accuracy of the certification. If a certification does not contain apparent or manifest errors of law, the DOC is entitled to give that certification legal effect.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A manifest error is an error that is plain and indisputable, and that amounts to a complete disregard of the controlling law or the credible evidence in the record.

Summary:

The DOC may approve the jail certification regarding the amount of earned release time that is due to an offender based upon time served before sentencing when it is determined that the time of confinement contained in the judgment and sentence is erroneous.

Votes on Final Passage:

House	94	0	
Senate	42	0	(Senate amended)
House	97	0	(House concurred)

Effective: August 1, 2009